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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,433	07/30/2001	Kosuke Yamamoto	35.C15630	8915
5514	7590	05/04/2006	EXAMINER MILIA, MARK R	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			ART UNIT 2625	PAPER NUMBER

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/916,433

Applicant(s)

YAMAMOTO ET AL.

Examiner

Mark R. Milia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/20/06 has been entered. Currently, claims 1-21 are pending.

### ***Response to Arguments***

2. Applicant's arguments filed 3/20/06, regarding the rejection of claims 13 and 17-19 under 35 U.S.C. 102(b) over Streefkerk have been fully considered but they are not persuasive.

In response to applicant's arguments, wherein on pages 14-16, the applicant asserts that Streefkerk fails to disclose estimating and displaying a plurality of print times, each required for the printing process of the same one draw information (same print job), which print times respectively correspond to a plurality of print modes, selecting one of the plurality of displayed print modes via the user interface and forming the print data based on the selected print mode, and estimating and displaying print

times for each print mode, for example, media, formats, and finish options, and forming the print data based on the selected one medium, format, or finish option. The examiner respectfully disagrees as Streefkerk does disclose such features. Particularly, Streefkerk discloses selecting a number of printing options, such as media, format, and finishing for a particular print job (draw information) (see Fig. 4) and based on the draw information and selected printing options a plurality of estimated print times are displayed (see column 6 lines 1-14 and 41-52). After the user determines which printer he/she would like to use, a print button is selected from the user interface and the print job is sent to the desired printer with the associated desired printing options. All of this is analogous to the features that applicant submits is not taught by Streefkerk, as stated above.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 3-13, and 17-21 rejected under 35 U.S.C. 103(a) as being unpatentable over Streefkerk in view of Salgado.

Regarding claims 1 and 10-12, Streefkerk discloses an information processing system that serves as a host computer for forming print data which can be interpreted by a printing apparatus, comprising: receiving means for receiving draw information based on a print document formed by an application (see Fig. 1 and column 3 line 63-

column 4 line 17), obtaining means for obtaining a plurality of pieces of print set information (see Fig. 1 and column 4 lines 10-15), and estimating means for estimating, based on the draw information received by said receiving means and the plurality of pieces of print set information obtained by said obtaining means, a plurality of print times, each required for a printing process of the draw information, the plurality of print times respectively corresponding to the plurality of pieces of print set information (see Figs. 4 and 7, column 4 line 62-column 5 line 18, and column 6 lines 1-14 and lines 41-52), display control means for controlling such that the plurality of print times estimated by said estimating means for the draw information are displayed before the print data is formed (see Figs. 4 and 7, column 4 lines 40-55, and column 6 lines 1-14 and lines 41-52, reference shows that a user can select different modes by selecting different medium, format, or finish options and the estimated print time will change accordingly) and forming means for forming, if execution of the printing process is determined after the plurality of print times are displayed by said display control means, said print data which can be interpreted by the printing apparatus based on the draw information received by said receiving means and a selected one of the plurality of pieces of print set information (see Figs. 1, 9, and 10, column 7 lines 31-35, column 9 lines 59-63, and column 11 lines 19-30).

Streefkerk does not disclose expressly print modes stored in a storage unit.

Salgado discloses print modes stored in a storage unit (see column 7 lines 1-14).

Regarding claims 13 and 17-19, Streefkerk discloses an information processing system that serves as a host computer for forming print data which can be interpreted

by a printing apparatus, comprising: obtaining means for obtaining draw information based on a print document formed by an application (see Fig. 1 and column 4 lines 10-15), estimating means for, based on the draw information obtained by said obtaining means and a plurality of print modes, estimating a plurality of print times, each required for a printing process of the draw information, the plurality of print times respectively corresponding to the plurality of print modes (see Figs. 4 and 7, column 4 line 62-column 5 line 18, and column 6 lines 1-14 and lines 41-52), display control means for controlling such that the plurality of print times estimated by said estimating means for the draw information are displayed in correspondence to the plurality of print modes (see Figs. 4 and 7, column 4 lines 40-55, and column 6 lines 1-14 and lines 41-52, reference shows that a user can select different modes by selecting different medium, format, or finish options and the estimated print time will change accordingly), selection means for selecting one of the plurality of print modes displayed by said display control means via a user interface (see Fig. 4 and column 4 lines 47-55, reference shows that a use can select medium, format, and finish options that change the estimated print time of a document and thus a user is selecting a particular print mode), and forming means for forming said print data based on the one print mode selected by said selection means and the draw information obtained by said obtaining means (see Fig. 1 and column 4 lines 5-6).

Streefkerk does not disclose expressly print modes stored in a storage unit.

Salgado discloses print modes stored in a storage unit (see column 7 lines 1-14).

Streefkerk & Salgado are combinable because they are from the same field on endeavor, estimating print time.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the storage of print modes, as described by Salgado, and which is well known and used in the art, with the system of Streefkerk.

The suggestion/motivation for doing so would have been to provide a user with more printing options by having pre-stored print modes and thereby make choosing printing options easier for a user.

Therefore, it would have been obvious to combine Salgado with Streefkerk to obtain the invention as specified in claims 1, 10-13, and 17-19.

Regarding claim 3, Salgado further discloses wherein said print set information is information regarding print quality in said print data (see column 7 lines 9-14).

Regarding claim 4, Salgado further discloses wherein said print set information includes information regarding print quality in said print data and information regarding a print layout (see column 7 lines 9-14).

Regarding claim 5, Streefkerk further discloses wherein said estimating means estimates the print time required for the printing process of one piece of draw information received by said receiving means for each of the plurality of pieces of print set information obtained by said obtaining means (see column 4 lines 48-55 and column 6 lines 41-52), and further comprising: informing means for informing the user of the print times estimated for the plurality of pieces of print set information by said estimating

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means before said print data is formed by said forming means (see column 4 line 62-column 5 line 18 and column 6 lines 1-14 and 41-52).

Regarding claim 6, Streefkerk further discloses wherein said informing means provides said print time and a user interface for promoting an input of an instruction to execute the printing process which requires said print time (see Fig. 4 and column 4 lines 54-55).

Regarding claim 7, Streefkerk further discloses wherein the user interface which is informed by said informing means accepts the input of the instruction for canceling the execution of the printing process which requires said print time (see Fig. 4 and column 4 lines 54-55).

Regarding claim 8, Streefkerk further discloses setting means for setting the plurality of pieces of print information to be obtained by said obtaining means (see Fig. 4).

Regarding claim 9, Streefkerk further discloses a transmitting means for transmitting said print data to said printing apparatus through a network (see column 3 line 61-column 4 line 33).

Regarding claim 20, Salgado further discloses a selection means for selecting one of the plurality of pieces of print set information stored in the storage unit for execution of the printing process and informing the user of the estimated print time before a page is printed to allow a user to modify and/or delete the operation if the time is not acceptable (see column 11 lines 19-30).



Streefkerk further discloses selecting a particular print mode, informing the user of the estimated time to print before the user instructs the forming device to execute the print job (see Fig. 4 and 7, reference shows that when a user is satisfied with the selected options and the estimated print time a user must select the print button to actually execute the printing operation).

Regarding claim 21, Streefkerk further discloses wherein said display control means controls such that the plurality of print times, each required for the printing process of the draw information, respectively corresponding to the plurality of print modes, are displayed simultaneously (see column 6 lines 41-52).

5. Claims 2, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Streefkerk and Salgado as applied to claims 1 and 13 above, and further in view of Schwartz.

Regarding claim 2, Salgado discloses wherein said obtaining means obtains the draw information including an ID of every object constructing said print document before the execution of the print (see column 8 lines 11-19).

Streefkerk and Salgado do not disclose expressly wherein said obtaining means obtains the draw information through an expansion API provided between a printer driver and said application.

Schwartz discloses wherein said obtaining means obtains the draw information through an expansion API provided between a printer driver and said application (see column 1 lines 38-46).

Streefkerk, Salgado & Schwartz are combinable because they are from the same field of endeavor, estimating print time.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the API provided between a printer driver and an application as described by Schwartz with the system of Streefkerk and Salgado.

The suggestion/motivation for doing so would have been to provide a data stream for printing that can be supplied to a device driver to drive the printer. An API is well known and used in the art as generic interfaces between an application program, the operating system, and a device driver (see column 1 lines 16-63 of Schwartz).

Therefore, it would have been obvious to combine Schwartz with Streefkerk and Salgado to obtain the invention as specified in claim 2.

Regarding claim 15, Streefkerk and Salgado do not disclose expressly a discriminating means for analyzing the draw information which is obtained by said obtaining means and discriminating a proper print mode from said plurality of print modes, and wherein said display control means allows a message for recommending the print mode discriminated by said discriminating means to be displayed.

Schwartz discloses a discriminating means for analyzing the draw information which is obtained by said obtaining means and discriminating a proper print mode from said plurality of print modes, and wherein said display control means allows a message for recommending the print mode discriminated by said discriminating means to be

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displayed (see column 5 line 47-column 6 line 63, column 7 lines 11-15, and column 9 lines 13-16).

Regarding claim 16, Streefkerk and Salgado do not disclose expressly wherein said discriminating means discriminates the proper print mode on the basis of a ratio of color data of the draw information.

Schwartz discloses wherein said discriminating means discriminates the proper print mode on the basis of a ratio of color data of the draw information (see column 7 line 40-column 8 line 4).

Streefkerk, Salgado, & Schwartz are combinable because they are from the same field of endeavor, estimating print time.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the correct selection of a print mode, especially on the basis of color as described by Schwartz with the system of Streefkerk and Salgado.

The suggestion/motivation for doing so would have been to provide the shortest printing time using the optimum strategy for printing including considering printing speed, image quality, and user preferences. Proper selection will lead to faster printing (see abstract, column 1 lines 9-14, and column 5 lines 57-61 of Schwartz)

Therefore, it would have been obvious to combine Schwartz with Streefkerk and Salgado to obtain the invention as specified in claims 15 and 16.

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Streefkerk and Salgado as applied to claim 13 above, and further in view of Cooper.

Streefkerk discloses a display (see Fig. 4).

Streefkerk and Salgado do not disclose expressly wherein said display control means allows a button for displaying a preview image for confirming an image quality to be displayed in correspondence to said plurality of print mode.

Cooper discloses wherein said display control means allows a button for displaying a preview image for confirming an image quality to be displayed in correspondence to said plurality of print mode (see Fig. 4, column 2 lines 57-58, column 6 lines 16-21 and 35-42, and column 7 lines 7-28).

Streefkerk, Salgado, & Cooper are combinable because they are from the same field of endeavor, processing and execution of print data.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the print preview aspect of Cooper with the system of Streefkerk and Salgado.

The suggestion/motivation for doing so would have been to avoid printing multiple copies of a document in the case the output does not coincide correctly with the input and to thereby reduce paper consumption (see column 1 lines 15-45 of Cooper).

Therefore, it would have been obvious to combine Cooper with Streefkerk and Salgado to obtain the invention as specified in claim 14.

**Conclusion**

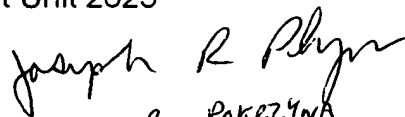
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Lamb can be reached at (571) 272-7406. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MRM

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